



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,815	07/29/2003	John Carney	40004572-0010-005	8157

26263 7590 12/24/2008
SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

STOKELY-COLLINS, JASMINE N

ART UNIT	PAPER NUMBER
----------	--------------

2423

MAIL DATE	DELIVERY MODE
-----------	---------------

12/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/630,815

Applicant(s)

CARNEY ET AL.

Examiner

JASMINE STOKELY-COLLINS

Art Unit

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

In recognition of the added limitations to amended claim 1, the examiner adds US Patent 5,675,752 to Scott et al as a reference. Scott teaches a server multi-client network in which a user can create, modify, and maintain interactive applications. The examiner also introduces US Patent 20030028873 to Lemmons to more closely match applicant's intended meaning of "business rules" in an effort to further prosecution; Lemmons teaches automatically designating advertising space in media content.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (US 7,207,057 B1) in view of Scott et al (US 5,675,752) and Lemmons (US 2003/0028873 A1).

Regarding claim 1, Rowe teaches a system, comprising:

a server component (column 4 lines 3-16, column 5 lines 35-57, column 8 lines 38-56) a transport component including an operator-deployed application management system (playlists) configured to optimize iTV applications from the server component and to deliver the iTV applications to one or more client devices (column 4 lines 8-21, column 8 lines 57-63, column 10 lines 42-54); and a client component resident on at least one of the client devices and adapted to render the iTV applications through a television so as to permit user interaction with the iTV applications (figure 3c element 358:set-top box, column 10 lines 54-57, column 8 lines 7-17).

Rowe's server is not adapted to allow content developers to use an authoring language to author and create interactive application templates and application descriptors for iTV applications, in which applications there is a separation of application behavior from content and business rules, according to an authoring specification that describes a framework for the iTV applications. wherein said application descriptors permit queries to a content aggregation and categorization component of the server component, which queries result in creation of dynamic data files to populate the application templates.

Regarding limitations "server is adapted to allow content developers to author and create interactive application templates and application descriptors for iTV applications according to an authoring specification that describes a framework for the iTV applications" Scott teaches a single server multi-client

network (col. 2 ll. 25-27) in which a user can author and create interactive applications by creating application templates and populating them with objects and functions (abstract, col. 2 ll. 64-col. 3 ll. 21 describe template creation, col. 3 ll. 22-col. 4 ll. 23 describe populating the template). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Scott's interactive applications generator in the server taught by Rowe for the benefit of simplifying the creation and modification of the ITV applications and content managed in Rowe's system.

The application templates and descriptors taught in Scott are implemented with pre-created objects and function libraries. Scott does not teach a user being able to author those files using an authoring language.

However, this deficiency is easily cured by adding an "open file" or "find file" option to the menus which files are selected from. Official notice is taken that it is well known to provide an option in a menu of files for a user to specify a path and filename for the file he wishes to access. A user could easily specify his own data files to populate the template in any situation where a file selection can be made. It would have been obvious to one of ordinary skill in the art to allow a user to access his own files for populating the interactive application template taught by Rowe in view of Scott for the benefit of giving the user greater control and more options in the customization of his application.

Regarding limitation "in which applications there is a separation of application behavior from content and business rules", Lemmons teaches the

concept of automatically designating advertising space in media content after production of that content (title, pg. 9 sect. 0081). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate business rules, such as ad placement, in the iTV application creation taught in Rowe in view of Scott for the benefit of efficiently identifying advertising opportunities in order to maximize the amount of advertising (and therefore, profit) in iTV content while reducing/eliminating the amount of manual effort required to place advertisements.

Regarding claim 2, when read in light of claim 1, Rowe further teaches the iTV applications comprise one or more of ... (f) personal video recorder applications, ..., (h) enhanced television services applications, ..., (l) games, ... (column 8 line 64-column 9 line 2).

Regarding claim 3, when read in light of claim 1, Rowe further teaches the client component comprises a software module resident in a memory of the at least one of the client devices, the software module being one of: a Java applet (column 5 lines 58-62, column 6 lines 4-7, column 8 lines 7-17), a C applet, a C++ applet, or a C# applet.

Regarding claim 4, when read in light of claim 3, Rowe further teaches the client component is adapted to download the iTV applications delivered by the transport component in response to user input (column 9 lines 14-18 describes applications being delivered in a customized form based on a user profile which includes viewing habits).

Regarding claim 5, when read in light of claim 1, Rowe further teaches the authoring specification comprises an extensible markup language (XML) authoring specification (column 1 lines 15-24 discloses the use of XML with, or instead of, Java, column 3 lines 34-38).

Regarding claim 6, when read in light of claim 5, Rowe further teaches the presentation of content is accommodated through one or more templates defined within the XML authoring specification (column 1 lines 15-24 discloses the use of XML with, or instead of, Java, column 3 lines 34-38, column 9 lines 27-37).

Regarding claim 7, when read in light of claim 1, Rowe further teaches the server component is configured to apply one or more business rules in preparing the iTV applications for delivery to the transport component (product delivery rules column 9 lines 14-17, access control rules column 12 lines 9-25 and lines

37-38). Furthermore, Lemmons teaches automatically defining spaces in which ads can be placed (title, pg. 9 sect. 0081).

Regarding claim 8, when read in light of claim 7, Rowe further teaches the framework for iTV applications accommodates advertising, promotions, content placement packages and/or programming campaign definitions, so as to permit a selection of a specific advertisement, promotion or content at a time of preparation of the iTV content by the server component, and/or a time of execution of the iTV applications by the client component, such selection being made according to one or more business rules (targeted advertising, column 8 lines 22-27).

Regarding claim 9, when read in light of claim 8, limitation "wherein the one or more business rules comprise rules for placing and/or automating product offerings, promotions, advertising campaigns, VOD, broadcast-on-demand, transactional opportunities, and/or other types of content across disparate television services" is further met by Rowe's use of targeted advertising, as it would require rules and guideline about when and where to place ads based on the programs a user views. Furthermore, Lemmons teaches governing where to physically place ads (title, pg. 9 sect. 0081).

Regarding claim 10, when read in light of claim 9, Rowe further teaches the iTV applications are tagged in a manner such that the iTV applications present all placement opportunities across all applications as a set of programmable opportunities (column 8 lines 22-26 describe an application that places advertisements based on what show the user is watching, where such shows could potentially be interactive applications such as videos on demand).

Regarding claim 11, when read in light of claim 10, Rowe further teaches a programmable opportunity is any location or set of locations within the iTV applications where content may be placed, said content including advertisements, promotions, data including text images and/or video, or another application (column 8 lines 22-26 describe an application that places advertisements within a show the user is watching, where such shows could potentially be interactive applications such as videos on demand). Furthermore, Lemmons teaches physical locations where ads can be placed inside content (title, pg. 9 sect. 0081).

Regarding claim 12, when read in light of claim 10, Rowe further teaches the server component presents a view of the programmable opportunities for automated control of individual programming opportunities or groups of programming opportunities (column 13 lines 19-68 describe how the invention

can be used for collaborative purposes, where television content can be stored, shared, and edited by anyone in a particular access group. In this way, a view of the entire content can be shared for viewing or editing by a number of people). Furthermore, Lemmons teaches presenting a view of physical locations in which ads can be placed (see fig. 3-6B for examples).

Regarding claim 13, when read in light of claim 9, Rowe further teaches the rules for placing and/or automating product offerings accommodate multiple selection criteria chosen from the list including: location, current channel, current channel family, current channel category, time of day, offering category, current program, current program genre, current iTV application, current content type, and subscriber profile (column 8 lines 22-26). Furthermore, Lemmons teaches the rules for placing and/or automating product offerings accommodate location (pg. 9 sect. 0081).

Regarding claim 14, when read in light of claim 9, Rowe further teaches the one or more business rules accommodate subscriber- specific rules according to a subscriber profile associated with a particular one of the client devices upon which the client component is resident (column 12 lines 35-38).

Regarding claim 15, when read in light of claim 14, Rowe further teaches the iTV applications are configured to respond in a subscriber-specific manner to user interactions with the iTV applications (column 8 lines 12-17).

Regarding claim 16, when read in light of claim 8, Rowe further teaches the business rules are selected at one of the following instances: dynamically at the time of execution of the iTV applications, or at the time of application creation (column 8 lines 22-27, in the case of targeted advertising, rules dictating which ads belong with which types of content must be decided either when the E-commerce application is created or while it is executing).

Regarding claim 17, when read in light of claim 1, Rowe further teaches the framework for iTV application (product, column 11 lines 60-63) definition accommodates business rules, so as to permit a selection and use of a specific business rule at a time of execution of the iTV applications (column 12 lines 9-11, column 12 lines 35-38).

Regarding claim 18, when read in light of claim 1, Rowe and Scott further teaches the framework for iTV application definition accommodates an application profile definition (Rowe roll types and playlists as defined in column 9 lines 27-46 and column 12 line 52-column 13 line 18; and Scott editors col. 2 II.

57-60)), defined by a set of capabilities that correspond to a set of actions in the authoring specification, which provides a common model for provisioning, managing, deploying, advertising, commerce, layout, animation, dynamic data insertion, events and navigation, and optimization of the iTV applications across different iTV operating environments (Rowe column 12 line 52-column 14 line 39 describe how a playlist can be used for assigning tasks, creating, editing, and distributing programs. Scott col. 2 ll. 64-col. 4 ll. 23 teach the design and layout aspects).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASMINE STOKELY-COLLINS whose telephone number is (571) 270-3459. The examiner can normally be reached on M-Th 9:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jasmine Stokely-Collins/
Examiner, Art Unit 2423

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423